

section gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing 10 pounds or less. Ten pounds or less is a very small package of fertilizers. It's not uncommon at all to walk into your K-Mart, the local lawn store, the hardware store, wherever they may happen to sell fertilizer and see it available on a retail basis upwards of 20 pounds, 40-pound sacks that under the provisions of the bill, of the amendment to LB 1063, there would be the fee imposed although it would be on a percentage basis. It would be broken down. That fee would be built into the cost of that fertilizer and then on top of that there would be a sales tax. Under the Lindsay amendment, sales tax would not be any longer applied to those fertilizers and I think that that, in essence, would prevent a double taxation, if you will, whether it was unintended or not. It exists in the practical application of the fee to fertilizers that would be subject to sales tax. With that, Mr. Speaker, since Senator Lindsay is here I'll relinquish the balance of his opening to the amendment.

SPEAKER BAACK: Thank you, Senator Hall. Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker, thank you, Senator Hall, I apologize for not being here when the amendment came up. I think Senator Hall has adequately explained what the amendment does. I would add one thing to it. When the...it's my understanding when the fiscal office ran the figures on the fertilizer tax to see if the funds or if it would produce enough revenue to accomplish the purpose that we are talking about, they did not include these items in their calculations so it's not going to have a negative fiscal impact if the amendment is adopted. As Senator Hall mentions, what the amendment does is simply does not apply that fertilizer tax to those fertilizers that are already paying a sales and use tax, a tax I might add that is higher than the fertilizer tax percentage-wise. With that, I would urge the adoption of the amendment.

SPEAKER BAACK: Thank you, Senator Lindsay. Senator Schmit. Senator Hall, did you wish to speak further right now on this amendment?

SENATOR HALL: No.

SPEAKER BAACK: Senator Warner.